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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re DUNELL C., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

DUNELL C.,

Defendant and Appellant.

E034842

(Super.Ct.No. J162000)

OPINION

APPEAL from the Superior Court of San Bernardino County. Diane I. Anderson,
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed as modified.

Gregory L. Cannon, under appointment by the Court of Appeal, for Defendant and
Appellant.

Bill Lockyer, Attorney General, and Robert M. Foster, Supervising Deputy
Attorney General, for Plaintiff and Respondent.

Minor admitted that he committed two counts of unlawfully taking or driving a
vehicle (Veh. Code, § 10851, subd. (a)) and that he possessed a firearm as a minor (Pen.

Code, § 12101, subd. (a)).¹ Subsequently, minor was committed to the California Youth Authority (CYA) for a maximum term of five years eight months. Minor's sole contention on appeal is that the juvenile court erred in awarding him only 102 days of presentence custody credit instead of 113 days. We agree.

I

DISCUSSION²

Welfare and Institutions Code section 726, subdivision (c) provides, in pertinent part: "If the minor is removed from the physical custody of his or her parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court."

At the dispositional hearing in this case, the juvenile court committed minor to CYA and found that the maximum confinement time was five years eight months. The court then calculated and applied precommitment custody time as 102 days.

Minor contends, and the People agree, that the juvenile court erred in calculating his precommitment custody time. As the record is clear that minor is entitled to 11 more

¹ Following minor's admissions, the matter was transferred from Orange County to San Bernardino County for disposition.

² Because the issue raised in this appeal is not dependent on the facts of the case, we will not recount those details.

days of precommitment custody time, we also agree. The judgment should therefore be modified accordingly.

II

DISPOSITION

The judgment is modified to reflect 113 days of precommitment credits. As so modified, the judgment is affirmed.

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RICHLI
J.

We concur:

RAMIREZ
P.J.

KING
J.